CHAPTER VIII

THE CONSTITUTION OF THE PHILIPPINES[1]

THE RISE OF CONSTITUTIONAL THOUGHT IN THE PHILIPPINES [2]

Two divergent civilizations, the Latin and the American, and two divergent systems of law, the Roman Civil Law and the Anglo-American Common Law, have met and blended in the Philippines. From these civilizations and laws have come the factors that have influenced the rise of popular government in the Philippines. Naturally the two countries whose institutions have most affected Philippine constitutional development have been Spain and the United States.

For over three centuries, the people of the Philippines were under the dominion of Spain. Of the various constitutions in force in Spain, only those with liberal ideas reached as far as the Philippines, During three periods in which the Spanish Constitution was effective in the Philippines, the latter had nominal representation in the Spanish Cortes. Nevertheless, although the Filipinos did not receive many direct benefits from a constitutional government, they did receive numerous indirect benefits from the Spanish administration.

When the Spanish flag was hauled down for the last time in the Philippines and the American emblem was raised in its stead, the Filipino people, Filipinos in name and innate characteristics, were nevertheless thinking in many

ways as Span-

[1] This chapter was read by Dean Conrado Benitez, a member of the drafting committee of the Constitutional Convention, See Zaide and Barba, *The Constitution of the Philippines: History, Chronology, and Text* (1935).

[2] See George A. Malcolm, *The Constitutional Law of the Philippine Islands,* second edition of 1926, Chs, x-xvi,